

Approved BOARD MINUTES June 22, 2017

The Village Board meeting was called to order at 8 am by Mayor Manicki, who led the pledge to the flag and welcomed those in attendance to the meeting.

PRESENT: Mayor Manicki, Trustees: Warmus, Overhoff, Daluisio and Green. Superintendent Sitzman, Clerk/Treasurer Wachowiak, Deputy Clerk Galbraith, Attorney Trapp, CEO Czechowski, Tim Arlington – Apex Consulting, Will and Alex Severyn and several Homecourt residents.

MOTION by Trustee Green seconded by Trustee Warmus, to approve the minutes of the June 8, 2017 meeting. Carried.

MOTION by Trustee Green, seconded by Trustee Daluisio, to approve for payment bills on abstract dated June 22, 2017. Carried.

Payroll	\$39114.52
Abstract	\$213,068.93

MOTION by Trustee Green, seconded by Trustee Daluisio, to approve the following reports for May: Fire calls. Carried.

MOTION by Trustee Warmus, seconded by Trustee Green, to adjourn the regular meeting and to enter into the Public Hearing, 8:08 am. Carried.

Public Hearing – Home Occupancy Permit renewal

CEO Czechowski explained that this is a yearly process to consider renewal. CEO Czechowski, explained there were no written or verbal comments received regarding the issue of the following renewal and there was no public comment.

<u>NAME</u>	<u>ADDRESS</u>	<u>OWNER</u>
The Cutting Image	1730 Meadow Dr.	Renee Hoffman

MOTION by Trustee Green and seconded by Trustee Warmus, to adjourn from the Public Hearing and re-enter into the regular meeting, 8:09 am. Carried.

MOTION by Trustee Green, seconded by Trustee Warmus, to adjourn the regular meeting and to enter into the Public Hearing, 8:15 am. Carried.

Public Hearing – Cluster Development designation for Birch Creek Run Patio Home Project, SBL# 108.18-2-3

Tim Arlington – Apex Consulting, addressed the board on the proposed changes to the project. The Severyn brothers Alex and Will were also on hand to answer any questions. The request to be changed to a Cluster Development is due to the fact that the Patio Home Site Plan previously approved was for a mother parcel consisting of 21 homes. In order for potential buyers to get mortgages a physical (deeded) lot must accompany the home. There is no physical change to this proposed project, only paper changes and waivers to re-classify it as a cluster development. The Village Planning Board did recommend approval of the Cluster Development classification with conditions the night before.

CEO Czechowski explained the process of the original project, as the village did not have any ordinances addressing patio homes. The village's understanding was it was a condominium set up of one parcel 21 homes and common space. In the interim, Condominium status has been approved from the state.

Birch Creek Run is a private street requiring no village maintenance but has a Home Owners Association (HOA), which must abide by village code. The HOA will be run by Severyn Development until 51% of the homes have been purchased and a board is established according to the rules set by the attorney General. Every purchaser automatically becomes a member of the HOA. A resident asked if all the patio homes do not sell can they change the configuration and numbers of homes? No, plan was approved for 21 detached single family homes, any changes would need to go thru the approval process all over again.

When asked how the development was going to handle the excess water this year, the following was discussed. The private road is a paver system where the water will collect, then it flows to the retention pond which has an overflow structure to the north. Grading of the lots will also help alleviate extra water. The drainage system is formulated on a 100 year storm plain and is flows by gravity. The pond is 6' deep, cut has a safety bench approach which is 18" deep and 6-10' wide and will be lined, so it can flow naturally. Another resident complained of insects and frogs invading his property. Wanted to know when they will maintain the property an erect the 6' stockade fence? Will Severyn stated the fence will be up by fall. The village encouraged the development to erect the fence as soon as possible. Mr. Huestis, 1577 Homecourt, who was in attendance stated he did not want the fence installed adjacent to his property, as he abuts the property at the most northern portion. His neighbor directly to his south, Mr. Panek, 1569 Homecourt who was not present, previously also expressed a desire to not have the fence along his property line. Mr. Panek had not responded to several requests for a written statement eluding to this fact, but did fax the village after the meeting with his desire to have no fence either.

A request was made that all Homecourt residents be informed, not just the adjoining property owners.

MOTION by Trustee Daluisio and seconded by Trustee Overhoff, to adjourn from the Public Hearing and re-enter into the regular meeting, 9:18 am. Carried.

COMMUNICATIONS

CEO compliance order to remedy violations letter to both mobile home parks and report from in section. Meeting minutes from: Town of Alden, Chamber of Commerce, E.C. Consortium and Assoc. of E.C. Governments. RBC Wealth Portfolio, J. O'Connell newsletter, E.C. sales tax report, Emerling insurance information. Requests from: Alden Central School – Homecoming parade route, Alden Fire Dept. to declare surplus equipment and Alden Community Church sign placement.

MOTION by Trustee Daluisio, seconded by Trustee Overhoff, to file as received all correspondence. Carried.

RESOLUTIONS/APPOINTMENTS/REQUESTS/MOTIONS:

Resolutions/Appointments/Requests/Motions for June 22, 2017,

MOTION by Trustee Daluisio and seconded by Trustee Green, to approve the Fire/EMS calls for May 27 – June 9, 2017. Carried.

MOTION by Trustee Overhoff and seconded by Trustee Warmus, to authorize Mayor Manicki to sign the PERMA renewal application. Carried.

MOTION by Trustee Warmus and seconded by Trustee Daluisio, to allow the Alden Car, Truck and Cycle Show Committee the following: use of Alden Firemen’s Memorial Bandstand Park July 30, provide electricity to park, close Church St., close Park and W. Main St –local traffic only, post W. Main St. no parking from Broadway to Town Park, post no parking signs on West side of Emerson and 3 handicapped parking spaces on Broadway. Carried.

MOTION by Trustee Overhoff and seconded by Trustee Daluisio, to allow Alden Central School permission to hold the Homecoming Parade on September 21 on the following streets. Park, Baxter, Irving, Emerson and back to Park St. Police service will have to be arranged thru the school. Carried.

MOTION by Trustee Overhoff and seconded by Trustee Daluisio, to approve Jeffrey Keenan as Court Officer effective May 15, 2017.
On the question; Trustee Warmus asked about Mr. Keenan’s background, Mr. Keenan is a retired Sheriff. Carried.

MOTION by Trustee Warmus and seconded by Trustee Green, to approve Alden Community Church’s request to place two signs in Firemen’s Memorial Bandstand Park from August 5-15, to advertise vacation Bible school. Carried.

MOTION by Trustee Warmus and seconded by Trustee Overhoff, to approve Chief Pruitt’s request to declare the following as surplus from the Village of Alden Fire Department: one Ferno Washington Inc. Stair chair serial number 63731, surplus and disposed of locally, no fixed asset number. Carried.
On the question: Trustee Daluisio – questioned whether it could be sold or donated to another entity. According to Chief Pruitt it is over 30 years old and not worth anything.

MOTION by Trustee Overhoff and seconded by Trustee Daluisio, to authorize the Superintendent of Public works to extend the contract with the Alden Central School District for purpose of refuse collection and recycling for two years at the current rate. Carried.

MOTION by Trustee Green and seconded by Trustee Overhoff, to approve the renewal of Home Occupation Permit for the following:

<u>NAME</u>	<u>ADDRESS</u>	<u>OWNER</u>
The Cutting Image	1730 Meadow Dr.	Renee Hoffman Carried.

MOTION by Trustee Warmus and seconded by Trustee Daluisio, to modify A220-3 in the Village Code to decrease out of district sewer and water rate to 150%. Carried.

MOTION by Trustee Overhoff and seconded by Trustee Green, to appoint Reiner Gucinski as a full time laborer, effective 6/21/17, at the rate of \$19.41 per contract. Carried.

MOTION by Trustee Daluisio and seconded by Trustee Overhoff, to promote Timothy Pfitzinger to the position of Water and Sewer Plant operator, effective 6/22/17, at the rate of \$25.00 per contract. Carried.

MOTION by Trustee Green and seconded by Trustee Overhoff, to approve the submitted Site Plan and designation of the Birch Creek Run Patio Home Project as a Cluster Development as a subdivision of land, as provided for by the Code of the Village of Alden, with the following waivers and conditions, as recommended by the Village of Alden Planning Board:

WAIVERS, as provided for in Chapter 210-25E (3):

- 1) To allow the approval of the project with a total land area of 3.06 acres (7.5 acres prescriptively required). Open space provided is 45% of lot area, where only 25% open space is required.
- 2) To allow lot sizes as proposed (lot sizes of 100' x 150', 15,000 SF prescriptively required). Consistent with a patio home type of development, and provides a closer-knit, community atmosphere.
- 3) To allow 35 trees to be included (66 trees prescriptively required). Extensive plantings are proposed for each home lot to provided aesthetic and green considerations.

CONDITIONS/REQUIREMENTS:

- 1) All 21 of the residential dwellings in the development, while on individual parcels, shall be contingent and dependent upon the mother parcel and the Birch Creek Run Home Owner's Association for maintenance of exterior areas, including, but not limited to the private roadway, storm drainage system, private utility systems, common open spaces, and snow removal. All 22 of the parcels within the approved development shall be bound together for such purposes through a Home Owner's Association, and no parcel may be excluded from said Association.
- 2) The developer will install a six-foot high vinyl stockade fence along the west property line to serve as a buffer. Fencing to be installed from a point ten feet from the southern property line northward to the north property line, along the

west property line. Said fence to be of a color and design approved by the Village of Alden.

- 3) Canvas awnings and roofs may only be installed upon issuance of a Building Permit from the Village of Alden.
- 4) Roofing replacement may only be done upon issuance of a Building Permit from the Village of Alden.
- 5) No Home Business Occupation may be undertaken unless a Home Occupation Permit is first secured from the Village of Alden.
- 6) Developer will monitor and regulate on-street parking through the Homeowners Association Agreement so that emergency vehicle access is maintained as required by the New York State Building Construction & Fire Prevention Code. This includes daily street parking as well as parking for guests and special events.

Roll Call Vote: Trustee Green – aye
Trustee Warmus – aye
Trustee Overhoff – aye
Trustee Daluisio – aye
Mayor Manicki – aye Carried.

On the question: CEO Czechowski explained the waiver allowed by code, conditions previously approved.

MOTION by Trustee Warmus and seconded by Trustee Green, to approve the following Resolution

WHEREAS, the Village of Alden experienced water shortages due to a recent drought, and

WHEREAS, the Board of Trustees wishes to protect the residents and businesses in the Village against future disruptions in the water supply, and

WHEREAS, the Village and the Erie County Water Authority desire to enter into an agreement whereby the ECWA would sell and deliver water to the Village,

NOW BE IT THEREFORE RESOLVED, that the Village of Alden hereby formally requests that the Erie County Water Authority sell and deliver water to an area served by the Village of Alden pursuant to such terms and conditions as are set forth in the proposed Agreement between the parties.

Roll Call Vote: Trustee Green – aye
Trustee Warmus – aye
Trustee Overhoff – abstain – didn't have time to review
Trustee Daluisio – aye
Mayor Manicki – aye Carried.

MOTION by Trustee Warmus and seconded by Trustee Green, to approve the following Resolution

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WHEREAS, the Board of Trustees wishes to protect the residents and businesses in the Village against future disruptions in the water supply, and

WHEREAS, the Village and the Erie County Water Authority desire to enter into an agreement whereby the ECWA would sell and deliver water to the Village,

NOW BE IT THEREFORE RESOLVED, that the Village of Alden hereby authorizes the Mayor to execute the Supplemental Supply Agreement with the Erie County Water Authority which sets forth such terms and conditions between the parties.

Roll Call Vote: Trustee Green – aye
 Trustee Warmus – aye
 Trustee Overhoff – abstain
 Trustee Daluisio – aye
 Mayor Manicki – aye Carried.

BUSINESS FROM FLOOR-

REPORTS FROM COMMITTEES/DEPARTMENTS:

Superintendent Sitzman – Board did not get the information from ECWA until late last evening. Working on the following: water and sewer grants, Exchange and Railroad with County, replacing water valves, WWTP met with DEC on Phase 1, should go out to bill in July, paint man door in rear of municipal building, new sidewalk sections and possible retaining wall on Broadway. No date from County on Exchange St. repair and paving. Questioned if village should approach property owners with retention ponds, seeking easements so the village can maintain them. Considering in future deeding them right away to village. Seeking suggestions for streetscape from the board. Looking at Kohler for possible awning for back door.

CEO Czechowski – Mobile Home Park license renewals, have until 6/30 to resolve, the CEO is working with the Village Attorney on procedures. The license expire 8/31/2017. Board has been given a list of violations, and it is suggested they peruse the premises and make any additions or corrections. In Alden Landings the drainage and road condition are major issues, no official word from Zoladz on a contract for drainage work. The park has been given several extensions in the past and the residents are concerned about the future of the park. Alden Village Estates – maintenance issues along with water and a sewer disconnects. A course of action will need to be discussed at the July 13 meeting. Alden Community Church parking lot, need to revise plan. Birch Creek Run all site work needs to be completed, fence placement and grading are top priority.

Clerk Wachowiak – received \$3,699 in OSEA grant for 17-18 training.

Trustee Daluisio - spoke to NYSDOT Region 5, survey conducted waiting on data, very frustrating. NYS is looking at 35-40 more crosswalk locations.

Mayor Manicki – received a complaint of a manhole cover being loose on the corner of Emerson and Broadway, causing a flat tire to driver's car. The driver is seeking compensation. The manhole is a sewer cover owned by the village, in the state's ROW, no notice prior. Attorney Trapp – not liable, no notice and nothing wrong with cover. Newsletter at printers. To Trustee Overhoff – survey reflects 2/3 of the residents would like to maintain village water. We will establish a permanent connection on Exchange St. and Broadway if grant funding is received. According to Superintendent Sitzman – supplement for Exchange minimum a month is 40,000 gallons and Broadway would be

60,000 gallons. The current water rate is \$5/1,000 gallons. With the Exchange St. hook up and took the minimum it would take it to \$5.07/1,000. Supplementing with 25% would increase it to \$5.66/1,000 gallons. If connections to Broadway and Exchange with 25% supplement - \$5.75/1,000 gallons. To purchase purely EC water with the 2 connections the rate would be \$7.64/1,000 gallons. Upon polling the board, Trustees Green and Warmus voted for the supplements. Trustee Overhoff would like to review the information further and give his opinion next meeting. He felt another survey should be mailed, as he felt the first one was incorrect. Will go to the people to see what they want. Trustee Daluisio like to see the vote tabled till the next meeting and that is what they did.

UNFINISHED AND TABLED BUSINESS:

ADJOURNMENT

MOTION by Trustee Green and seconded by Trustee Daluisio, to adjourn the meeting at 10:15 am Carried.

I respectfully submit

Sue Galbraith,
Deputy Village Clerk